

**Town of La Pointe Zoning
Town Plan Commission Workshop Minutes
Thursday, July 15, 2010**

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair, Charles Brummer, Vice-Chair, Larry Whalen (arrives at 4:37), Greg Thury, Carey Baxter, Suellen Soucek, Ron Madich (7).

Town Plan Commission Members Absent: None.

Public Present: None.

Town Staff Members Present: Jennifer Croonborg, ZA, Margaretta Kusch, ZCA (2).

I. Call to Order/Roll Call

Chair Pallas called the meeting to order at 4:31 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

None.

III. Zoning Ordinance Revision Project

a. Review and possibly revise Official Zoning Map RE: Comprehensive Plan Future Land Use Map

The Zoning Administrator reports that the company who printed the Comprehensive Plan Future Land Use Map, Vierbicher Associates, can create a draft map with all the new changes that have been made in about two weeks.

She further states that an itemized list of all changes made to the Zoning Map should be created once this discussion is over, for the convenience of both members of the public and Town Plan Commission/Zoning commissioners.

The four following changes are also to be made:

- The parking lot and land owned by St. John's Church on Main Street across from the church should be zoned Commercial District.
- The land owned by the Museum/Wisconsin Historical Society on Main St./Col. Woods Ave/Whitefish St. should be zoned Commercial District.
- The land owned by St. Joseph's church on Big Bay Road should stay zoned R-3 Residential, not changed to Commercial.
- There is a wedge of land consisting of 3 lots on the west side of Mondamin Trail (near the golf course maintenance buildings) that is zoned R-1 Residential. This should be changed to R-3 Residential.

b. Review and possibly revise working draft of tentative Ordinance Revision, Sections 1.0-16.0.

- **Draft language in Section 4.2 Standard District Requirements for a new Item F, Parcels in Multiple Zoning Districts**

Two versions of this new section have been drafted (attached to these minutes), which read as follows:

(Version one)

F. Parcels in multiple Zoning Districts.

1. *If a parcel is located in two (2) or more zoning districts a property owner may choose only one zone in which to build subject to the following conditions and/or restrictions:*
 - a. *Any building, structure and/or land use is required to meet all district requirements for the zone, including setbacks unless a Special Exception is granted*
 - b. *Upon choosing the zone, the property owner relinquishes all rights to build in any other zone on the subject parcel*
 - c. *If the parcel is nonconforming it must be a lot of record.*

(version two)

F. *Parcels in multiple Zoning Districts*

1. *If a parcel is located in two (2) or more Zoning Districts a property owner may build in any zoning district subject to the following restrictions:*
 - a. *Any building, structure and/or land use is required to meet all district requirements for the zone in which it is located, including setbacks. A Special Exception may only be granted where setbacks cannot be met in any zone.*
 - b. *A permitted use is restricted to the zone(s) in which it is explicitly allowed as a permitted use in Section 3 of this Ordinance. (If a parcel has three zoning districts and a use is permitted in two, the permitted use will only be granted in those two zones.)*
 - c. *A conditional use is restricted to the zone(s) in which it is explicitly allowed as a conditional use in Section 3 of this Ordinance. (If a parcel has three zoning districts and the conditional use is permitted in two of the zones, the conditional use shall only be granted to those two zones.)*
 - d. *In the S-2 Zoning District, the rear setback shall be taken from the right-of-way of the County Highway/Big Bay Road. The front and/or rear setback in the S-1 Zoning District shall be taken from the right-of-way of the County Highway or Town Road on which it is located.*
 - e. *If the parcel is nonconforming it must be a legal lot of record.*

The Town Plan Commission discusses the issues involved regarding building on parcels in multiple zones. The theoretical example of a parcel that falls within three zones (as many properties on the north end of the island on Big Bay Road do) is discussed.

The Zoning Administrator is concerned that with version one, the denial of a property owner to use two-thirds of their land is considered a taking. L. Whalen agrees.

Chair Pallas states that the intent of version one is not to take away use of land, but that people shouldn't be able to build where they don't meet setbacks. He suggests that both versions be submitted to Mike Fauerbach for an opinion.

The Zoning Administrator feels that property owners should be able to build two buildings (house/accessory dwelling or structure) per parcel, not per zone.

Chair Pallas states that the townspeople who originally created the Ordinance in 1972 did a very good job considering the time restraints that they were under to create an ordinance from scratch in a year.

The Town Plan Commission agrees to submit both versions to attorney Fauerbach for a legal opinion, and will revisit the subject after hearing his thoughts. (C. Baxter leaves meeting at 6:00 pm and returns at 6:15 pm).

The Town Plan Commission begins reviewing the Ordinance from page one and makes the following changes:

- On page 1, add “*Section 15 Complaints, Section 16 Appendices (subdivide into Dimensional Requirements, Irregular Lot Widths, and Zoning District Uses Matrix), Section 17 Zoning Map*” to Table of Contents.
- In Section 2.1, 8th bullet point, change “...*the ten/ thirty (10/ 30) day time limit begins and it is counted as day one in counting a ten (10) day limit under this Ordinance...*” to read “...*the ten/ thirty (10/ 30) day time limit begins and it is counted as day one. In counting a ten (10) day limit under this Ordinance...*”
- In Section 2.1, Accessory Structure definition, change “...*conform to the setback requirements required...*” to read “...*conform to the setback requirements....*”
- In Section 2.1, Accessory Structure definition, change “*Section 4.2.6*” to read “*Section 4.2.G.*”
- In Section 2.1, Camping Party definition, delete “*per property unit*” from the end of the sentence.
- In Section 2.1, Commercial Entertainment Business definition, change title to “*Commercial Entertainment Facility.*”
- In Section 2.1, Farming, General definition, change “...*and livestock products for the commercial gain*” to read “...*and livestock products for commercial gain.*”
- In Section 2.1 Home Occupation Enterprise, add “*Refer to Section 6.4.B*” to definition.
- In Section 2.1 Home Office/Studio, add “*Refer to Section 6.4.A*” to definition.
- In Section 2.1 Land Disturbing Activity definition, change “*removal*” to “*stumping.*”
- In Section 2.1 Lot of Record definition, change “*required*” to “*recorded*” and delete the final clause, which reads “...*and having insufficient size to meet the lot width, lot area, setback, off-street parking area, or other open space provisions of this area.*”
- In Section 2.1 Rental, Short Term definition, change “*check-on*” to “*check-in.*”
- In Section 2.1 Structural Alteration definition, change “*Ordinary maintenance repairs*” to “*Ordinary maintenance and repairs.*”
- In Section 3.1 Establishment of Districts and throughout Ordinance, change the abbreviation for the Marina District from “*M*” to “*M-1.*”
- In Section 3.15 Government and Institutional District, remove “*Religious Facility*” from list of permitted uses.
- In Section 4.2.A 2, change “*excepting*” to “*except.*”
- In Section 4.2.B and throughout ordinance, change “*Wind Generators*” to “*Wind Generator, Telecommunication, and Radio Towers.*”

- In Section 4.2 B, change “*Architectural projections such as spires, belfries, parapet walls, domes, chimneys, and cupolas do not exceed sixty four (64) square feet in floor area, including stairwells, are not higher than eight (8) feet above the adjacent roof ridge, and contain no living quarters. Wind generators, provided that such structures shall not exceed in height their distance from the ground.*” to read:
“*Architectural projections such as spires, belfries, parapet walls, domes, chimneys, and cupolas shall not exceed sixty four (64) square feet in floor area, including stairwells, are not higher than eight (8) feet above the adjacent roof ridge, and contain no living quarters. Wind generators, telecommunication, and radio towers shall conform to state and federal requirements.*”
- In Section 4.3.B 1.b Off-Street Parking, delete “*The total, if a fraction, shall be rounded up to the next whole number.*”
- In Section 5.3 Classes and Type of Signs Permitted in Zoning Districts, add “L-Z 2” to Class C Types 2, 3, and 4.
- In Section 8.1.B, item 6 “*Certified Survey Maps*”, add “*and Plat Maps*” to the end of title.
- In Section 8.1.C, item 6 “*Maintenance of Zoning Ordinance Map*,” delete “*Map*” from title.
- In Section 8.3.B Land Use Application Requirements, change final clause of first sentence from “*bearing signatures of all property owners or authorized agents on approved application forms*” to read “*bearing signatures of all property owners on approved application forms.*”
- In Section 8.3.B Land Use Application Requirements, add “*(if applicable)*” to the end of items 2 and 3.
- In Section 8.3.C Expiration, add “*and no extension has been granted*” to the end of the final sentence.
- In Section 8.4 Permit Process, delete the superfluous title (*A. Land Use Permit*).

IV. Future Agenda Items

V. Schedule of Next Meeting

The next Town Plan Commission Regular Monthly Meeting will be held July 21, 2010, at 4:30 pm.

VI. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor, 7 aye. Motion Carries. Meeting ends at 6:45 pm.

Draft Town Plan Commission Minutes respectfully submitted by Margaretta Kusch, ZCA, on Sunday, July 18, 2010.

Town Plan Commission minutes are approved as submitted by Margaretta Kusch, ZCA on Wednesday, August 04, 2010.